

Delegated decision report

DECISION UNDER DELEGATED POWERS

DECISION CANNOT BE TAKEN BEFORE TUESDAY, 7 AUGUST 2012

Title	CONSULTATION ON SPECIAL EDUCATIONAL NEEDS (SEN) AND ALTERNATIVE PROVISION SERVICE RELOCATION
Report to	THE CABINET MEMBER FOR CHILDREN'S SERVICES AND EDUCATION

EXECUTIVE SUMMARY

The report seeks permission to undertake second stage consultation on the relocation and reconfiguring of alternative provision, currently based at Thompson House and Clatterford Tuition Centres and the relocation of a number of SEN, Early Years and other support services to the same two new sites. It includes an analysis of the outcomes of an informal first stage consultation.

BACKGROUND

1. The council has carried out a six week consultation on proposals to relocate educational provision currently made at Thompson House and Clatterford Tuition Centres to two new sites in Lake and Cowes. This includes teams providing additional support under the Alternative Education structure, including a Mental Health Team, Behaviour Support and Elective Home Education and provision for WISE (work Initiative in Support of Education) workshops.
2. Additionally SEN and Early Years Services, currently based in Thompson House would relocate to the site at Lake.
3. The results of an on-line consultation are attached at Appendix 2 of this paper and the minutes of two public meetings appear in Appendix 3.
4. These results have been analysed, along with staff consultation and the contents of a number of emails. The results are detailed in this paper.

STRATEGIC CONTEXT

5. The proposals in this report support the Corporate Plan in that there are implications for raising educational standards for the young people directly involved and also for mainstream schools in terms of keeping children safe by helping to manage difficult behaviour, attendance and exclusion issues.
6. The reconfiguration of the service and property rationalisation is also consistent with the council priority of delivering savings through changed service provision.

7. The report is a response to the findings of the SEN Review carried out in 2011 and is part of the Strategic Plan that was drawn up following the review.

SERVICE/DECISION SPECIFIC PARAGRAPH

8. Special educational needs and alternative provision services have been significantly restructured over the last two years.
9. The final part of the service to be significantly redesigned has been the alternative provision area. This service has been changing and developing in recent years to provide a more complementary service for Island schools to help manage permanent and fixed term exclusions and to make provision for pupils out of school. It is comprised of a primary and a secondary Pupil Referral Unit (PRU), vocational and outdoor centres and a wide range of commissioned services from Island based charities and not-for-profit organisations.
10. In the recent past, the PRU provision has also supported the return to the Island of a number of children and young people from mainland residential settings. Many of these young people require a period of re-integration before returning to mainstream schools. Some have needs that mean they need longer-term specialist provision for behaviour, social, emotional difficulties (BESD) to prepare them for mainstream education.
11. The increased number of young people permanently excluded from secondary schools has placed significant strain on current alternative provision made through the Tuition Centres. Although it is probable that the number of permanent exclusions will settle at a lower rate than that being experienced at this time, research shows that across the country, academies and trusts permanently exclude at approximately twice the rate of other maintained schools.
12. Additionally, Clatterford Tuition Centre is making provision for a small but significant number of students with statements for behaviour, social, emotional difficulties. These young people are inappropriately placed with students who are excluded from mainstream schools for other reasons.
13. There are a small number of children and young people with statements for behaviour, social, emotional difficulties who are currently in mainstream and special schools but who are not succeeding because they are inappropriately placed. They need a provision where they can access their entitlement to full time education, whilst learning to manage their own behaviour before moving on. This is a statutory function of the local authority.
14. Thompson House Tuition Centre makes provision for a small number of primary aged pupils who are excluded, or in danger of being excluded, from mainstream schools. Additionally, this part of the service makes provision for children and young people who are unable to attend primary or secondary mainstream education due to a range of medical needs.

OUTCOMES OF INFORMAL CONSULTATION

15. A total of 33 people made a response to the consultation: 17 people responded to the on-line questionnaire; 12 submitted a hard copy response and four people submitted a response by email.
16. Contributions were made by 16 staff, five parents, one local resident, one local resident / governor, one town councillor (Cowes), one governing body and the Chair of the Little Love Lane

pre-school provision. Seven respondents declined to state the role in which they were making a response.

17. Responses to consultation questions reflect the concerns expressed in both public and staff consultation meetings. The minutes of meetings are attached in the appendices. Analysis of the responses is shown below:

- i. Do you agree or disagree that the council should establish separate provision for primary and secondary school aged children and young people with statements for behaviour, social, emotional need?

Strongly agree	17
Agree	9
Disagree	1

- ii. Do you agree or disagree that the WISE workshop provision should be located onto the two new sites?

Strongly agree	10
Agree	10
No opinion	4
Disagree	1
Strongly disagree	2

- iii. Do you agree or disagree that provision for children and young people with behaviour, social, emotional needs should be separate from provision for those with medical needs and those who are excluded from mainstream schools?

Strongly agree	8
Agree	13
No opinion	4
Disagree	2

- iv. Do you agree or disagree that SEN and Early Years support services should be relocated to the same site as the tuition centres?

Strongly agree	7
Agree	6
No opinion	11
Disagree	2

- v. Do you agree or disagree that education welfare service, mental health team and behaviour support service – those services that are most involved with children and young people with behaviour, social, emotional needs – should be relocated to the same site as the provision for children and young people with behaviour, social, emotional needs?

Strongly agree	13
Agree	9
No opinion	3
Disagree	2

18. Including all sources, 22 respondents made comments alongside or instead of providing their reaction to the questions provided. Comments fall naturally into a number of discrete areas:

The need for the provision

- There are mixed responses to the need for BESD provision on the Island, with five respondents feeling that BESD provision is much needed but three respondents stating that all children should be in mainstream schools with a much more support in order to succeed. one respondent believes that different ages can work well on one site but another expresses the opposite view.
- Four respondents write in support of the need for provision for pupils with BESD to be separate from pupils who are excluded from mainstream schools, although 1 respondent expresses the opposite view.
- Two respondents have written in support for WISE activities.

The use of the Cowes site

- Three respondents recognise the need for this provision but not on this site because of the possibility of young children attending the pre-school and the Children's Centre seeing and hearing inappropriate behaviour and the possibility of safeguarding issues for young children and vulnerable families in the area. One respondent also points out the same range of concerns with the proximity of the new Lanesend primary school.
- Two respondents question the provision of adequate parking on the Cowes site.
- One respondent states that the area around the Cowes site already suffers from vandalism.
- One respondent points out that there are issues around access to the new Lanesend school site and believes the same issues will arise with the proposed site for the BESD unit; another states that there are residents with children going to Medina House and St George's special school who cannot have their children picked up outside their homes because of access issues.
Two respondents believe that the Cowes site is too close to residential housing.
- One respondent believes that the provision on this site and the transport needed to bring pupils to the site represents an unfair advantage over other pupils who work hard in mainstream schools.
- One respondent believes there will be difficulties for parents transporting primary-aged pupils to any chosen sites outside Newport.
- One respondent is concerned that a number of parents have indicated that they will withdraw their children from the pre-school and that this could undermine the viability of the pre-school and lead to staff redundancy.

Support Services

- It was pointed out by one respondent that based on current case-loads, the transport budget for Education Welfare Service would be increased if all EWOs have to operate from the Cowes site. Consideration will be given to whether it is possible to retain a central base for these staff, without additional cost.
- Co-location of support services is seen as a positive development by six respondents, although one of these says it would be better in Newport.
- One respondent believes that if support services are to be on the same site as pupil provisions they must be separate because pupils have a right to own their school. This is in accord with current thinking.

The Process

- One respondent believes that local residents should have received personal notification of the consultation prior to the public meeting. This will be addressed in the second stage of consultation, when local residents will be invited to attend a drop-in session to address any concerns.
- Two respondents believe that the questionnaire is framed to elicit pre-determined responses.
- One respondent expresses the belief that the council has already made its decision and agreed plans to start work immediately that Lanesend primary school relocates to its new site. The same respondent also believes that this decision is in some way bound up with funding issues around the pre-school and Children's Centre on the site and that the consultation periods have been manipulated to make it difficult to respond. To ensure that all interested parties are able to participate in the second stage of the consultation, the consultation period has been moved out of the summer vacation period.

FINANCIAL / BUDGET IMPLICATIONS

19. There are no financial implications to this report concerning permission to consult.
20. Alternative provision and SEN services mentioned in this report are fully funded through the Dedicated Schools Grant (DSG) and financial implications of the proposals will be met from that grant. Any additional running costs which are incurred through the proposed relocation will be met from the funding set aside within the grant for the school sites which have been vacated as a result of the primary schools moving to new sites.
21. Financial implications such as increased travel expenses and transport costs will be off-set by the decrease in rental costs on property currently occupied by these services.
22. Estimated costs in the order of £1million have been set aside within the capital programme for 2012/13 to develop both sites.
23. Any property savings arising from the closure of existing facilities must be recycled within the overall amount of DSG and are not available for general funding purposes.

CARBON EMISSIONS

24. The provision of refurbished accommodation will have a small but positive impact on carbon emissions compared with the old buildings currently occupied.

LEGAL IMPLICATIONS

25. Section 14 of the Education Act 1996 places a general duty on local authorities to secure that there are sufficient schools for providing primary and secondary school education and requires them in particular to have regard to the need to secure that special educational provision is made for pupils with special educational needs; section 315 requires Local Authorities to keep their arrangements for SEN provision under review.
26. Section 19 requires the Council to make arrangements for the provision of suitable full or part time education at school or otherwise than at school for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not receive suitable education for

any period unless such arrangements are made for them. Any school established under s.19 is known as a PRU. This duty is owed to each individual child who falls within this subsection.

27. In making a decision to relocate a PRU the Council is required to have regards to the impact on staff, pupils and the local community in accordance with the Equality Act 2010 and its duties under s.17 Crime & Disorder Act 1998.
28. In particular, section 17 of the Crime and Disorder Act places a duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.
29. Regard must also be had to the guidance for Local Authorities and Schools on PRUs and Alternative Provision issued by the Department for Education.
30. The Education and Inspections Act 2006 requires Local Authorities to consider and respond to parental representations when carrying out their planning duty to make sure that there is sufficient primary and secondary provision and suitable SEN provision in their area.
31. Currently, pupils with a Statement for behaviour, social, emotional needs (BESD) who are unable to attend mainstream school for a variety of reasons, attend PRU provision long-term, at either Thompson House or Clatterford Tuition Centre. Children with special educational needs must be offered a broad, balanced and relevant education including access to the full National Curriculum. In the centres, as they are currently configured, it is increasingly difficult to make appropriate provision to fulfil the local authority's statutory duties.
32. When pupils are permanently excluded from school, the local authority has a statutory duty to provide full-time education. The number of pupils excluded from school has trebled this year compared with the academic year 2010 to 2011. National data shows clearly that when schools move to academy status the average rate of permanent exclusion can be expected to double. The already inadequate conditions within the two tuition centres has been greatly impacted this year by the increase in permanently excluded pupils and the number of pupils who are placed there temporarily as a means of preventing permanent exclusion.
33. There is a statutory duty to consult parents and other interested parties on the proposals heralded by this report. Case law specifies that there is an overriding need for fairness in any consultation process. Furthermore it :-
 - ❖ must take place at a time when proposals are still at a formative stage;
 - ❖ the proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response;
 - ❖ adequate time must be given for consideration and response; and
 - ❖ the product of consultation must be conscientiously taken into account.
34. The second stage consultation notice and detailed proposal are attached at Appendix 1.

EQUALITY AND DIVERSITY

35. In making a decision to relocate a PRU the Council is required to have regards to the impact on staff, pupils and the local community in accordance with the Equality Act 2010
36. This report carries equal opportunity implications in as far as it is concerned with the provision for young people who might otherwise not be able to access their education entitlement.

37. Two equality impact assessment screens, one for pupils and one for staff, attached at Appendix 4a and 4b, have identified no negative impact of the proposals.

PROPERTY IMPLICATIONS

38. Planning permission will be sought on both sites contained within the proposals. Consultation on the planning submission will be carried out in the normal manner.
39. The proposals contained in the consultation notice (Appendix 1) represent good use of property available through the redesign and restructure of mainstream school provision across the Island. The reuse of these sites for alternative provision means that they are no longer surplus to requirements and cannot be sold to generate a capital receipt.
40. Two sites previously used by WISE have already been vacated as part of the restructure of alternative provision. Three further sites will be vacated as a result of these proposals (Thompson House, Clatterford Tuition Centre and a workshop on Dodner industrial estate).

OPTIONS

41. A number of sites have been considered as alternatives to the two proposed in the consultation. Each had significant restrictions on their use with this particularly vulnerable group of young people.
42. Difficulties included insufficient parking and inadequate access; proximity to residential housing that could not be easily mitigated, leading to the probability of disturbance.
43. Almost all respondents to the first stage consultation recognise the need for the improvements to provision contained in the proposals. Objections raised almost all concern the choice of sites, in particular the use of the site at Cowes for the provision for 25 pupils with statements for BESD.
44. Officers believe that the range of concerns raised about the Cowes site, including access and adequacy of parking and most importantly safeguarding of other users of the site, raised through the first stage of consultation, can be mitigated through careful planning and development. These issues should be properly addressed during the public consultation on the planning application, when detailed plans will be available. In the first instance local residents will be invited to a meeting to explain site developments being considered for the planning application.
45. A report by the council's Highways / Transport Consultants concludes that "The combined impact of the development of the AEP centre with the relocation and potential enlargement of the primary school to take all of the younger children from the former middle school will generate an increase in overall trip rates. However the change in travel profile due to the modal shift from private cars to taxis and the construction of a drop-off area inside the centre will remove a significant amount of on-street parking from the adjacent streets. This will reduce the current safety and congestion issues which will outweigh the impact of additional trips.

In reality some of the children in the 9-11 year old range may be redistributed to other primary schools and the predicted trip rates may be lower than assumed in this review and there might be an actual reduction in overall trip rates.

It is concluded that even in the worst case scenario the location of the AEP centre would have no adverse impact on the transport network and that there are no traffic or highway reasons why the proposal should not proceed".

46. Option 1 proposes that the council consults further on the proposals contained in the notice (Appendix 1) and then considers the responses received from the public and other concerned agencies at full council. Those proposals are:

- Relocation of both Tuition Centres to a specialist refurbished provision in Lake on the site of a school vacated as part of the re-organisation of mainstream schools.
- Relocate the SEN and Early Years' Services to separate accommodation on the same site.
- The site proposed is **Berry Hill, Lake, Sandown, PO36 9LH**.
- To establish a separate provision for a maximum of 25 children and young people with statements for behaviour, social, emotional difficulties who have been excluded or are in danger of exclusion from mainstream school or who are in need of a period of intensive support before return to schools on the Island.
- To establish an operational base on the same site for a number of specialist services that work extensively with these pupils.
- The site being proposed for this provision is **Love Lane, Cowes, PO31 7ET**.
- WISE workshops would be relocated to accommodation on the two proposed sites. Each site would make provision for woodwork, the most popular of the activities.

47. Option 2 is for the council to decide to consult further on proposal for the relocation of the Tuition Centres and SEN support services to Lake but not to consult further on the proposals for the site at Cowes but to require officers to undertake further work to try to identify other possibilities before proceeding with the statutory process in that case.

48. Option 3 is for the council to decide not to proceed with further consultation on these two sites but to require officers to undertake further work to try to identify other possibilities before proceeding with the statutory process in either case.

RISK MANAGEMENT

49. The council is seeking to consult on its proposals in order to minimise the risk that they are unacceptable to users and residents. A second stage consultation offers the opportunity to explain proposals for mitigating concerns expressed, particularly those expressed by local residents, with regard to the Cowes site.

50. One risk may be that one or both of the proposed sites are rejected following the first stage consultation, leaving the council to seek further site(s) for the relocation of one or both of the aspects of the provision.

51. Although no other site would be as appropriate as the ones in the proposed consultation, the council does have other options available to it. However this would delay the start date for the proposed relocation and put increased pressure on the Alternative Provision currently in place, making it increasingly likely that the council is unable to carry out its statutory responsibilities.

52. Option 3 carries an additional risk in that the current provision is unsuitable and inadequate for purpose. Finding alternative sites for both aspects of provision would significantly delay necessary improvements in provision as no better sites are known to be available in the near

future. This could potentially delay the relocation and associated improvements to provision to the middle of the academic year 2013 – 2014, leaving the council unable to deliver on its statutory duties with regard to pupils with statements, pupils with medical needs and those excluded from mainstream schools for a considerable length of time.

EVALUATION

53. The consultation will add to the council's information about staff, pupils, parents and residents' views around the proposals and support the council's final decision on these proposals.

RECOMMENDATION

54. Option 1

That the council consults further on the proposals contained in the notice (Appendix 1) and then considers the responses received from the public and other concerned agencies at full council. Those proposals are:

- Relocation of both Tuition Centres to a specialist refurbished provision in Lake on the site of a school vacated as part of the re-organisation of mainstream schools.
- Relocate the SEN and Early Years' Services to separate accommodation on the same site.
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- WISE workshops would be relocated to accommodation on the two proposed sites. Each site would make provision for woodwork, the most popular of the activities.

That the council agrees to the results of consultation being brought forward for consideration by Cabinet after the 12th October 2012 closure date.

APPENDICES ATTACHED

- 55. - [APPENDIX 1](#) - Press notice and detailed proposals
- 56. - [APPENDIX 2](#) - Consultation responses
- 57. - [APPENDIX 3](#) - Minutes of public meetings
- 58. - [APPENDIX 4](#) - Equality Impact Assessment – Initial Screening

Contact Point - Lesley Rhodes, Interim Commissioner for SEN and Alternative Provision,
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STEVE BEYNON
CX and Director of Schools and learning

COUNCILLOR DAWN COUSINS
*Cabinet member for Children's Services and
Education*

Decision

Signed

Date
